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Jonathan Wallace, Esq.
PO #728

MEMORANDUM ENDORSED Amagansett, New York 11930
917-359-6234
jonathan.wallace80@gmail.com

May 9, 2025

Hon. Gregory Howard Woods III
U.S. District Judge
Southern District of New York

By electronic filing

Re: Curran-Groome v. Columbia University
(1:25-cv-01606)

Dear Judge Woods:


As counsel for the plaintiffs in this removed case, I conclude upon researching the issue that I may amend the Complaint as of right under FRCP 15(a)(1)(B), given the defendant has not filed an answer, *Spehar v Fuchs*, 2003 US Dist LEXIS 10406, at *16 (SDNY June 17, 2003). I do not see the logic or justice in a process which subjects my draftsmanship to more court supervision at this stage than if the case had remained in state court, or been filed in federal court as a matter of first instance.

Therefore I am respectfully requesting that your Honor revise the direction given in the March 27 minute that I seek the Defendant's consent to my proposed amendment, or leave to amend from Your Honor. The revised minute, if Your Honor agrees, would merely set Monday as a date for the filing of the Amended Complaint, without more.

Application denied. Plaintiffs' counsel's conclusion is wrong. The case cited by Plaintiffs' counsel applied a prior version of Fed. R. Civ. P. 15 that permitted amendments as a matter of course "before being served with a responsive pleading." That version of the Rule was amended in 2009. *E.g.*, Wright & Miller, 6 Fed. Prac. & Proc. Civ. § 1483 (3d ed.). Under the plain text of the current version of Fed. R. Civ. P. 15(a)(1), Plaintiffs are permitted to amend their complaint once as a matter of course within 21 days of serving it, or within 21 days after service of a responsive pleading or a motion under Rule 12(b), (e), or (f). Neither of those conditions applies here. *See* Dkt. No. 1. The "logic or justice" of adhering to the federal rules governing litigation in federal court should be readily apparent to Plaintiff's counsel. So too should the value of basing legal arguments to the Court on current, rather than long-outdated, law. The Court's March 27, 2025 order remains in full force and effect.

SO ORDERED.

Dated: May 9, 2025
New York, New York


GREGORY H. WOODS
United States District Judge

Sincerely,

/s/ Jonathan Wallace

I have no help to send, therefore I must go myself